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CHAPTER 4 – VEHICLES AND TRAFFIC

Article 1 – Traffic Regulations

SECTION 4-101: DEFINITIONS

A. The words and phrases used in this chapter pertaining to motor vehicles and traffic regulations shall be construed as defined in Neb. Rev. Stat. Chapter 60. If not defined in the designated statute, the word or phrase shall have its common meaning. (Neb. Rev. Stat. §60-606 through 60-676)

B. "Business district" shall include that portion of the City embraced within the area of public streets enumerated as follows:

1. Locust Street from First Street to Third Street;
2. Second Street from Walnut Street to Main Street;
3. Main Street from Second Street to Third Street;
4. First Street from Locust Street to Walnut Street.

C. "Residential district" shall include all parts of the City not included in the business district.

SECTION 4-102: RULES OF THE ROAD; ADOPTED BY REFERENCE

The Nebraska Rules of the Road, together with all subsequent amendments thereto, as adopted by the State of Nebraska relating to traffic regulations, are incorporated by reference into this section and made a part of this article as though spread at large herein, except those provisions in conflict with this article when the City Council has the authority to alter such regulations. (Neb. Rev. Stat. §18-132)

SECTION 4-103: LAW ENFORCEMENT OFFICERS; TRAFFIC POWERS

The city law enforcement officers are hereby authorized, empowered and ordered to exercise all powers and duties with relation to the management of street traffic and to direct, control, stop, restrict and regulate, temporarily divert, or exclude the movement of pedestrian, animal and vehicular traffic of every kind in streets, parks and on bridges in the interest of public safety, health and convenience. The driver of any vehicle shall stop upon the signal of any officer. (Neb. Rev. Stat. §60-683)

SECTION 4-104: LAW ENFORCEMENT OFFICERS; TRAFFIC OFFICERS; EMERGENCY REGULATIONS; REFUSAL TO OBEY

A. The city law enforcement officers may at any time detail officers, to be known as traffic officers, at street intersections. All traffic officers shall be vested with the authority to regulate and control traffic at the intersections to which they are assigned. It shall be their duty to direct the movement of traffic to prevent congestion and

accidents. It shall be unlawful for any person to violate any order or signal of any such traffic officer, notwithstanding the directive of a stop sign or signal device which may have been placed at any such intersection.

B. The city law enforcement officers and the Mayor are hereby empowered to make and enforce temporary regulations to cover emergencies.

C. It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal, or direction of a police officer. Any person who knowingly fails to obey any lawful order of a peace officer shall be guilty of an offense whenever such order is given in furtherance of the apprehension of a person who has violated the Nebraska Rules of the Road or this article or of a person whom such officer reasonably believes has violated the same.

(Neb. Rev. Stat. §§60-680, 60-683, 60-6,110, 81-2005)

SECTION 4-105: SPEED LIMITS

A. No person shall operate a motor vehicle on any street, alley, or other place at a rate of speed greater than 25 miles per hour within the City, provided that the following speed limits shall apply in the following locations unless a different rate of speed is specifically permitted by ordinance:

City park	20 miles per hour
On all of Chestnut Street, Seventh Street, and S. 54 th Street	35 miles per hour
On Wagon Train Road between the city limits and 68 th Street	35 miles per hour

B. In no instance shall a person drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. Where a different maximum speed is set by ordinance, appropriate signs shall be posted.

(Neb. Rev. Stat. §60-6,185, 60-6,186, 60-6,190) (Am. Ord. Nos. 93-13, 12/12/95, 2020-02, 4/14/2020)

SECTION 4-106: SPEED; ELECTRONIC DETECTOR

A. A determination made regarding the speed of any motor vehicle based upon the visual observation of any law enforcement officer, while being competent evidence for all other purposes, shall be corroborated by the use of a radio microwave, mechanical, or electronic speed measurement device. The results of such device may be accepted as competent evidence of the speed of such motor vehicle in any court or legal proceeding when the speed of the vehicle is at issue. Before the City may offer in evidence the results of such speed measurement device for the purpose of establishing the speed of any motor vehicle, the City shall prove the following:

1. The said speed measurement device was in proper working order at the time of conducting the measurement;

2. The speed measurement device was being operated in such a manner and under such conditions so as to allow a minimum possibility of distortion or outside interference;
3. The person operating the speed measurement device and interpreting such measurement was qualified by training and experience to properly test and operate the speed measurement device; and
4. The operator conducted external tests of accuracy upon the speed measurement device within a reasonable time both prior to and subsequent to an arrest being made and the device was found to be in proper working order.

B. The driver of any motor vehicle measured by use of a speed measurement device to be driving in excess of the applicable speed limit may be arrested if the apprehending officer:

1. Is in uniform and displays his or her badge of authority; and
2. Has (a) observed the recording of the speed of the motor vehicle by the speed measurement device or (b) received a radio message from a law enforcement officer who observed the speed recorded and (i) the radio message has been dispatched immediately after the speed of the motor vehicle was recorded and (ii) gives a description of the vehicle and its recorded speed.

(Neb. Rev. Stat. §60-6,192)

SECTION 4-107: SIGNS, TRAFFIC CONTROL AND SURVEILLANCE DEVICES; DEFACING OR INTERFERING WITH

A. No person shall willfully or maliciously injure, deface, alter or knock down any sign, traffic control device, or traffic surveillance device.

B. Any person who willfully or maliciously shoots upon the public highway and injures, defaces, damages, or destroys any signs, monuments, road markers, traffic control devices, traffic surveillance devices, or other public notices lawfully placed upon such highway shall be guilty of an offense.

C. It shall be unlawful for any person, other than a duly authorized representative of the Department of Roads, the county, or the City to remove any sign, traffic control device, or traffic surveillance device placed along a highway for traffic control, warning, or informational purposes by official action of the department, county, or City. It shall be unlawful for any person to possess a sign or device which has been removed in violation of this subsection.

D. Any person violating subsection (A) or (C) of this section shall be guilty of an offense and shall be assessed liquidated damages in the amount of the value of the

sign, traffic control device, or traffic surveillance device and the cost of replacing it.
(Neb. Rev. Stat. §§60-6,129 to 60-6,139) (Ord. No. 90-3, 1/11/90)

SECTION 4-108: SIGNS; UNAUTHORIZED DISPLAY

It shall be unlawful for any person to maintain or display upon or in view of any street any unofficial sign, signal, or device which purports to be, is an imitation of, or resembles an official traffic sign or signal which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official sign or signal. Every such prohibited sign, signal, or device is hereby declared to be a public nuisance and any police officer is hereby empowered to remove the same or cause it to be removed without notice. (Neb. Rev. Stat. §60-6,127)

SECTION 4-109: STOP SIGNS; MANDATORY STOPS; UNNECESSARY STOPS

A. The City Council may provide for preferential right of way at an intersection and indicate such by stop signs or yield signs erected by such authority. Every person operating any vehicle shall, upon approaching any stop sign, cause such vehicle to come to a complete stop before entering or crossing any street, highway, or railroad crossing. The vehicle operator shall stop at a marked stop line or, if there is no stop line, before entering the crosswalk but if neither is indicated, then as near the right of way line of the intersecting roadway as possible.

B. All vehicles, before crossing a sidewalk or emerging from a garage, alley, gas station or other place shall come to a complete stop and, after giving sufficient warning, shall proceed slowly and with extreme caution while crossing such sidewalk or leaving such garage, alley, gas station or other place. The term "slowly" shall be construed to mean such rate of speed as is reasonable and proper under the circumstances and the condition of the street and traffic.

C. It shall be unlawful for any person to stop any vehicle on any public street or alley, other than in permitted parking areas, except when such a stop is necessary for emergency situations, to comply with traffic control devices and regulations, or to yield the right-of-way to pedestrians or to other vehicles.

(Neb. Rev. Stat. §§60-6,119 through 60-6,121, 60-680, 60-6,148; 60-149)

SECTION 4-110: SIDEWALK SPACE

No motor vehicle or livestock shall be driven or ridden within any sidewalk space, except upon a permanent or temporary driveway. (Neb. Rev. Stat. §60-6,178)

SECTION 4-111: RIGHT OF WAY; GENERALLY

A. When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right when the paths of such vehicles intersect and there is danger of a collision, unless otherwise directed by a city police officer stationed at the intersection.

B. The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

C. The driver of a vehicle on any street shall yield the right of way to a pedestrian crossing such street within any clearly marked crosswalk or at any regular pedestrian crossing at the end of a block where the movement of traffic is being regulated by traffic officers or traffic direction devices. Every pedestrian crossing a street at any point other than a pedestrian crossing, crosswalk, or intersection shall yield the right of way to vehicles upon the street.

D. The driver of a vehicle emerging from or entering an alley, building, private road, or driveway shall yield the right of way to any pedestrian approaching on any sidewalk and all vehicles approaching on such streets.

(Neb. Rev. Stat. §§60-6,146 through 60-6,154)

SECTION 4-112: RIGHT OF WAY; EMERGENCY VEHICLES

A. Upon the immediate approach of an authorized emergency vehicle which makes use of proper audible or visual signals:

1. The driver of any other vehicle shall yield the right of way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway or to either edge or curb of a one-way roadway, clear of any intersection, and shall stop and remain in such position until such emergency vehicle passes, unless otherwise directed by any peace officer; and
2. Any pedestrian using such roadway shall yield the right of way until such emergency vehicle passes, unless otherwise directed by any peace officer.

B. This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.
(Neb. Rev. Stat. §60-6,151)

SECTION 4-113: TURNING; GENERALLY; SIGNAL; "U" TURNS

A. Vehicles turning to the right into an intersecting street shall approach such intersection in the lane of traffic nearest to the right-hand side of the highway and must turn the corner as near the right-hand curb as possible to keep between the curb to the right and the center of the intersection of the two streets. The driver of a vehicle intending to turn to the left shall approach such center line of the highway and in turning shall pass as near as possible to the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left. For the purposes of this section, the "center of the intersection" shall mean the meeting point of the

medial lines of the highways intersecting one another. A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

B. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where an automatic signal is in operation or where a sign is posted indicating that "U" turns are prohibited.

(Neb. Rev. Stat. §§60-6,159, 60-6,160, 60-6,161))

SECTION 4-114: BACKING

It shall be unlawful for any person to back a motor vehicle on the city streets except to park in or to remove the vehicle from a permitted parking position, to move the vehicle from a driveway, or to back to the curb for unloading where such unloading is permitted; provided, a vehicle shall be backed only when such movement can be made in safety.

(Neb. Rev. Stat. §60-6,169)

SECTION 4-115: DRIVING ABREAST

Two or more vehicles shall not be driven abreast except when passing or when traversing a multi-lane or one-way street; provided, motorcycles may be driven no more than two abreast in a single lane. (Neb. Rev. Stat. §§60-6,139, 60-6,308)

SECTION 4-116: SCHOOL BUS STOP

The driver of a motor vehicle, upon approaching from the front or rear any school bus on which the yellow warning signal lights are flashing, shall reduce the speed of such vehicle to not more than 25 miles per hour and shall bring such vehicle to a complete stop when the school bus is stopped, the stop signal arm is extended, and the flashing red signal lights are turned on. Said driver shall remain stopped until the flashing red signal lights are turned off, the stop signal arm is retracted, and the school bus resumes motion. Any person violating this subsection shall be guilty of a Class IV misdemeanor, shall be fined \$500.00, and shall be assessed points on his or her motor vehicle operator's license pursuant to Neb. Rev. Stat. §60-4,182. (Neb. Rev. Stat. §60-6,175)

SECTION 4-117: FOLLOWING; DISTANCE; FIRE APPARATUS

The operator of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic and condition of the street. The driver of any vehicle shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block when fire apparatus has stopped in answer to a fire alarm. (Neb. Rev. Stat. §§60-6,140, 60-6,183)

SECTION 4-118: OVERLOADING

No person shall drive a motor vehicle when it is so loaded as to obstruct the view of

the driver to the front or sides of the vehicle or to interfere with the driver's control over such vehicle or when there are more than three persons in the front seat. No passenger in a vehicle shall ride in such a position as to interfere with the driver's control over such vehicle. (Neb. Rev. Stat. §60-6,179)

SECTION 4-119: RIDING OUTSIDE VEHICLE

A. No person shall permit any other person to ride on the running board, hood, top or fenders of any motor vehicle, nor shall any person ride on the running board, hood, top or fenders of any motor vehicle.

B. It shall be unlawful for any person to ride, or for the driver to permit the same to be done, on or in any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to employees engaged in the necessary discharge of duties or employees within truck bodies in space intended for merchandise.

(Neb. Rev. Stat. §60-180)

SECTION 4-120: SKATES, SKATEBOARDS AND OTHER CONVEYANCES

A. It is unlawful for any person to use or permit the use of any skates, skateboard, coaster, toy vehicle, or similar conveyance upon the streets or public ways of the City, except while crossing a street at a crosswalk.

B. It is unlawful for any person to use skates, skateboards, coasters, toy vehicles or similar conveyances upon the sidewalks and crosswalks adjacent to the following streets: Locust Street from First Street to Third Street, Second Street from Walnut Street to Main Street, and Third Street from Walnut Street to Main Street.

C. Any person operating skates, skateboards, coasters, toy vehicles or similar conveyances upon the sidewalk, or within the sidewalk space, where not otherwise prohibited, shall do so at his/her own risk and shall yield the right-of-way to any and all pedestrians.

D. The City Council may, from time to time by resolution, prescribe such further regulations for the use and operation of skates, skateboards, coasters, and toy vehicles within the City as may be deemed proper.

(Neb. Rev. Stat. §17-139) (Ord. No. 91-1, 3/14/91)

SECTION 4-121: CONVEYANCES; CLINGING TO MOTOR VEHICLE; PEDESTRIANS' RIGHT OF WAY

A. No person riding upon any bicycle, coaster, roller skates, sled, skis or toy vehicle shall attach the same or himself/herself to any moving vehicle upon any roadway, and it shall be unlawful for the driver of any vehicle to suffer or permit any person riding upon any bicycle, coaster, roller skates, sled, skis or toy vehicle to cling to or attach himself/herself or his/her bicycle, coaster, roller skates, sled, skis or toy

vehicle to such vehicle so driven and operated by him or her. (Neb. Rev. Stat. §60-6,316)

B. Any person operating a bicycle, skates or a skateboard upon a public sidewalk or other public way shall yield the right of way to pedestrians.

SECTION 4-122: MUFFLER

Every motor vehicle operated within this city shall be equipped with a muffler in good working order to prevent excessive or unusual noise or smoke. No person shall modify or change the exhaust muffler, the intake muffler, or any other noise-abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured. It shall be unlawful to use a "muffler cut-out" on any motor vehicle upon any streets; provided, the provisions of this section shall not apply to authorized emergency vehicles. (Neb. Rev. Stat. §§60-6,286, 60-6,371)

SECTION 4-123: LICENSE PLATES; READABLE

The license plates required on every motor vehicle by laws of the State of Nebraska or of any other state while such vehicle is operated within the corporate limits shall be kept clear and free from grease, dust, mud, snow or other blurring matter so they will be plainly visible at all times. The said plates shall be attached in such manner as to be clearly readable at a distance of 100 feet and under no circumstances shall they be obstructed by any portion of the vehicle. (Neb. Rev. Stat. §§60-324, 60-325)

SECTION 4-124: ADVERTISING ON VEHICLES

No motor vehicle shall have any poster, sign, picture or advertising material on the front windshield or rear window thereof; and no person shall, by himself or herself or through his or her agent, place or post any poster, sign, picture or advertising material on the front windshield or rear window of either his or her own motor vehicle or that of any other person. (Neb. Rev. Stat. §60-6,127)

SECTION 4-125: NEWLY LAID PAVEMENT

No person shall drive any vehicle or ride any animal over or across any pavement or hard surfacing newly laid or repaired, across or around which there has been placed a barrier, or at or near which there is an officer, person or sign warning persons against driving or riding over the same.

SECTION 4-126: FUNERAL PROCESSIONS

No vehicle, except law enforcement or Fire Department vehicles when responding to emergency calls or orders, ambulances responding to emergency calls, or vehicles carrying United States mails shall be driven through a funeral procession or cortege except with the permission of a law enforcement officer. (Neb. Rev. Stat. §60-119)

SECTION 4-127: UNNECESSARY NOISE

No person shall drive, use, operate, park, or stop any motor vehicle in such a manner as to cause unnecessary noise.

SECTION 4-128: SOUND APPARATUS

No person shall operate or permit to be operated any sound-producing or sound-amplifying apparatus except those for amplifying music and the human voice within the limits of any street or public place in the City or in or upon any vehicle while parked or stopped therein.

SECTION 4-129: RACING

No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration or for the purpose of making a speed record. No person shall in any manner participate in any such race, competition, contest, test, or exhibition. (Neb. Rev. Stat. §60-6,195)

SECTION 4-130: EXHIBITION DRIVING

Any person who operates a motor vehicle, meaning any self-propelled vehicle, upon streets or alleys within the city limits or upon property owned by the City in such a manner as to cause or create unnecessary engine noise, squealing of tires, rear skidding, sliding, or swaying of such motor vehicle or possible acceleration of speed of said motor vehicle shall be guilty of exhibition driving.

SECTION 4-131: NEGLIGENCE DRIVING

Any person who drives any vehicle in such a manner as to indicate the absence of care, prudence, and forethought as duty requires should be exercised under the circumstances is guilty of negligent driving. (Neb. Rev. Stat. §60-6,182)

SECTION 4-132: CARELESS DRIVING

Any person who drives any motor vehicle in the City carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving. (Neb. Rev. Stat. §§60-6,212, 60-4,182)

SECTION 4-133: RECKLESS DRIVING

Any person who drives a motor vehicle in such a manner as to indicate an indifferent or wanton disregard for the safety of persons or property shall be deemed to be guilty of reckless driving and as such shall be punished as provided by statute. (Neb. Rev. Stat. §§60-6,213, 60-6,215, 60-4,182)

SECTION 4-134: WILLFUL RECKLESS DRIVING

Any person who drives a motor vehicle in such a manner as to indicate a willful disregard for the safety of persons or property shall be deemed to be guilty of willful reckless driving. (Neb. Rev. Stat. §§60-6,214, 60-6,216, 60-4,182)

SECTION 4-135: TRUCK ROUTES

The City Council may by resolution designate certain streets in the City that trucks shall travel upon and it shall be unlawful for persons operating such trucks to travel on other streets than those designated for trucks, unless to pick up or deliver goods, wares, or merchandise; and in that event, the operator of such truck shall return to such truck routes as soon as possible in traveling through or about the City. The City Council shall cause notices to be posted or shall erect signs indicating the streets so designated as truck routes. (Neb. Rev. Stat. §60-681)

SECTION 4-136: ENGINE BRAKES

It shall be unlawful for the operator of a motor vehicle to utilize compression or engine brakes upon said motor vehicle within the corporate limits of the City or within one mile thereof, unless the motor vehicle upon which said engine braking is being performed has an adequate muffler system to muffle the noise emitted from the motor vehicle when the operator thereof is engine braking. (Ord. No. 05-11, 3/22/05)

SECTION 4-137: MOTORIZED VEHICLES PROHIBITED ON PUBLIC LANDS

The operation of motorized vehicles of all description, other than maintenance vehicles owned by the City, be and hereby are prohibited upon designated bike paths, walking trails or other public lands owned by the City except where allowed by permission of the City Council. (Neb. Rev. Stat. §60-2106)

SECTION 4-138: LOADS; CONTENTS; REQUIREMENTS

A. No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping from the vehicle.

B. No person shall transport any sand, gravel, rock less than 2 inches in diameter, or refuse in any vehicle on any hard-surfaced state highway if such material protrudes above the sides of that part of the vehicle in which it is being transported unless such material is enclosed or completely covered with canvas or similar covering.

C. No person shall drive or move a motor vehicle, trailer, or semitrailer upon any highway unless the cargo or contents carried by the motor vehicle, trailer, or semitrailer are properly distributed and adequately secured to prevent the falling of cargo or contents from the vehicle. The tailgate, doors, tarpaulins, and any other equipment

used in the operation of the motor vehicle, trailer, or semitrailer or in the distributing or securing of the cargo or contents carried by the motor vehicle, trailer, or semitrailer shall be secured to prevent cargo or contents falling from the vehicle. The means of securement to the motor vehicle, trailer, or semitrailer must be tiedowns and tiedown assemblies of adequate strength or sides, sideboards, or stakes and a rear endgate, endboard, or stakes strong enough and high enough to assure that cargo or contents will not fall from the vehicle.

(Neb. Rev. Stat. §60-6,304)

Article 2 – Parking

SECTION 4-201: DEFINITIONS

A. "Approved hard surface" means a permanent, durable surface suitable for supporting motor vehicles and preventing rutting, erosion, or tracking of mud or loose material onto public streets. Approved surfaces include:

1. Concrete;
2. Asphalt;
3. Brick or concrete pavers installed over a compacted base;
4. Permeable pavers or permeable pavement systems designed for vehicle loading;
5. Grass-paver grid systems (geocell or lattice) designed for vehicular parking; and
6. Gravel or crushed rock installed over a compacted base with defined edging to contain material and prevent migration into the yard or right-of-way.

B. The following are not approved hard surfaces:

1. Turf grass or regular lawn;
2. Artificial turf/synthetic grass;
3. Bare dirt or soil;
4. Mud or compacted earth;
5. Loose gravel or crushed rock placed without a compacted base and defined edging;
6. Sand, crushed limestone fines, or decomposed granite;
7. Wood chips, mulch, or bark;
8. Landscape rock or decorative stone;
9. Railroad ties or timber planks;
10. Metal sheets or plates;
11. Carpet remnants, mats, or similar temporary coverings;
12. Any "two-track" or "rutted path" used by repeated parking;
13. Isolated concrete pads or pavers placed only beneath tires and not part of a continuous constructed parking surface; or
14. Any permeable grid or modular system not rated by the manufacturer for vehicular loading.

SECTION 4-202: PROHIBITIONS; ALLEYS, ADJACENT PROPERTY, SIDEWALK SPACE, RESIDENTIAL FRONT OR SIDE YARD

It shall be unlawful for any person to park or cause to be parked or placed:

A. Any motor vehicle or other vehicle, that while parked shall have any portion thereof projecting into any alley entrance.

B. Any motor vehicle or other vehicle on any private property in such manner that the vehicle overhangs the street, including that space between the curb line and the lot line, or in such a manner that the vehicle overhangs adjacent property; or

C. Any motor vehicle or other vehicle upon any part of the sidewalk space or that space between the curb line and the lot line, unless the owner or occupant of the real estate abutting such space shall have obtained a permit from the City to do so.

D. No parking of a vehicle or trailer shall be permitted in the front or side yard of any residential zoning district except on a concrete driveway or its equivalent as provided in Section 7.01.05 of the city zoning regulations. For the purpose of this section, "equivalent" shall be recognized as "hard surface" or "impervious surface" as defined per Hickman Zoning Regulations.

E. Parking upon grass, dirt, loose gravel, landscape rock, or other unapproved surfaces within the front yard setback or city right-of-way is prohibited, except where expressly permitted by zoning or where a lawful driveway access exists.

F. Existing homes and structures within the R-O Original Residential District and C-1 Central Business District are exempt from the surfacing requirements of this subsection and may continue to utilize existing driveways and parking areas as they presently exist.

G. Any new infill dwelling, new construction, or any demolition and rebuild within any zoning district, including R-O and C-1, shall be required to bring all on-site parking surfaces, driveways, and vehicle-parking areas into full compliance with the approved hard surface requirement at the time of building permit issuance.

H. Any expansion, addition, or alteration that increases building footprint or requires new parking spaces shall require all new parking areas to meet the approved hard surface standard.

(Neb. Rev. Stat. §60-680) (Am. Ord. Nos. 96-2, 2/13/96; 2016-11, 5/10/16)

SECTION 4-203: CURBS PAINTED

It shall be the duty of the Public Works Director to cause the curb space to be painted and keep the same painted. No person, firm, or corporation shall paint the curb of any street, or in any manner set aside or attempt to prevent the parking of vehicles in any street or part thereof except at such places where the parking of vehicles is prohibited by the provisions of this article. The marking or designating of portions of streets or alleys where the parking of vehicles is prohibited or limited shall be done only by the City through its proper officers at the direction of the City Council. (Neb. Rev. Stat. §60-680)

SECTION 4-204: MAXIMUM TIME LIMIT

A. It shall be unlawful to park any trailer, self-propelled mobile home, bus, tractor-trailer, semitrailer, or any vehicle which exceeds 20 feet in length or seven feet wide on any street in the City for over two hours; and provided further, that the provisions of this section shall not apply to semitrailers, trailers, trucks, or truck-tractors being used in connection with construction, repair, service, or moving operations. "Trailer" shall mean any vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. The City Council may by resolution entirely prohibit or fix a time limit for the parking and stopping of vehicles on any street, streets, or district designated by such resolution, and the parking or stopping of any vehicle in any such street, streets, or district for a period of time longer than fixed in such resolution shall constitute a violation of this article.

B. It shall be unlawful for any person to park any vehicle or to permit such vehicle to stand on one side of a street within a block for a period longer than 24 hours, excluding weekends and holidays as recognized by the City.

(Neb. Rev. Stat. §60-680) (Am. Ord. Nos. 2008-07, 7/08/07; 2009-27, 12/8/09; 2014-15, 10/14/14; 2014-16, 11/25/14)

SECTION 4-205: OBSTRUCTING TRAFFIC

Except in case of an accident or emergency, no person shall stop any vehicle (A) in any location where such stopping will obstruct any street, intersection, or entrance to an alley or public or private drive or (B) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic. (Neb. Rev. Stat. §§60-680, 60-6,166)

SECTION 4-206: CURB PARKING

No vehicle shall park on any street with its left side to the curb, unless said street has been designated to be a "one way" street by the City Council. Vehicles must not be parked at any curb in such a position as to prevent another vehicle already parked at the curb from moving away. (Neb. Rev. Stat. §60-6,167)

SECTION 4-207: OVERHANGING STREET OR ADJACENT PROPERTY

It shall be unlawful for any person to park or place, or cause to be parked or placed, any motor vehicle or other vehicle on any public or private property in such a manner that the vehicle overhangs the street, including that space between the curb line and the lot line, or in such a manner that the vehicle overhangs adjacent property.

SECTION 4-208: SIDEWALK SPACE; CROSSWALKS

It shall be unlawful for any person to park, place, or cause to be parked or placed any motor vehicle or other vehicle upon any part of the sidewalk space or on a crosswalk.

(Neb. Rev. Stat. §60-6,166)

SECTION 4-209: FIRE STATION AND HYDRANTS

No vehicle shall be parked (A) within 15 feet in either direction of any fire hydrant; (B) within 20 feet of the driveway entrance to any fire station; nor (C) on the side of the street opposite the entrance to any fire station within 75 feet of such entrance when properly signposted. Any vehicle or material found as an obstruction may be immediately removed by the fire chief or any member of the Fire Department at the risk, cost, and expense of the owner or claimant. (Neb. Rev. Stat. §60-6,166)

SECTION 4-210: EMERGENCY VEHICLES; EXCEPTION

The provisions of this article regulating the movement, parking, and standing of vehicles shall not apply to any authorized emergency vehicle while the driver of such vehicle is operating the same in an emergency. (Neb. Rev. Stat. §60-6,114)

SECTION 4-211: TRUCKS

A. Truck Parking Prohibited. It shall be unlawful for the operator of any truck, truck-tractor or semi-trailer or for the operator of any automobile with attached trailer of a capacity of 12 tons or more to stop or park any such vehicle on any street within a residential area for over one hour.

B. Carriers, Night Parking; Livestock Trucks. No motor carrier, common carrier or contract carrier of property, as defined in Neb. Rev. Stat. §75-302 as now existing or as hereafter amended, shall stop or park in any street or alley within the residential district of the City; and no such carrier shall use or employ any portion of the parking space in said residence district for any commercial purpose. No livestock truck, loaded with livestock or otherwise, shall stand or park for any period of time in any street or alley in the City.

C. Trucks Carrying Oil, Gasoline, Flammable Materials or Toxic Chemicals. No oil tanker, gasoline transport or truck transporting flammable materials or toxic chemicals, loaded or empty, shall park or stop for any period of time within the limits of any street or alley of the City except to load or unload its cargo in a safe and expeditious manner; provided, in case of breakdown or stalling on account of exhaustion of its motor fuel on any of said streets, the stopping of the disabled vehicle for the reasonable time necessary to remove the same to the next point where repairs can be made or to meet the emergency shall not be a violation of this section. No oil tanker, gasoline transport or truck transporting flammable materials or toxic chemicals shall park or stop for any period of time on any private premises within the corporate limits of the City, save and except for purposes of loading, unloading or breakdowns, unless said private premises be used and employed exclusively for the conduct of the wholesale or retail business with ample facilities for parking oil tankers, gasoline transports or truck transporting flammable materials.

D. Trucks Carrying Explosives. No truck or other vehicle carrying or transporting explosives shall park or be left standing for any time or at any place within the city limits.

SECTION 4-212: SNOW REMOVAL AND MAINTENANCE

A. It shall be unlawful to park or stand any vehicle on any street or alley in the City after the Mayor has declared a snow emergency until the snow has been removed. Notice of a snow emergency shall be given by personal notification or broadcast on any Lincoln radio or television station.

B. The Public Works Director may order any street or alley, or portion thereof, vacated for weather emergencies or street maintenance. Notice shall be given by personally notifying the owner or operator of a vehicle parked on such street or alley, or by posting appropriate signs along such streets or alleys. Such signs shall be posted not less than four hours prior to the time that the vacation order is to be effective. Any person parking a vehicle in violation of this section shall be subject to the penalties provided in this chapter, and such vehicle may be removed and parked, under the supervision of the city officials, to a suitable nearby location without further notice to the owner or operator of such vehicle.

(Neb. Rev. Stat. §17-557)

SECTION 4-213: HANDICAPPED AND DISABLED PERSONS

The City Council adopts and promulgates the rules and regulations necessary to fulfill the duties and obligations provided in Neb. Rev. Stat. §§18-1736 to 18-1741.07, dealing with parking for handicapped and disabled persons. A printed copy of the current regulations shall be available for public review and access at the office of the City Clerk during office hours.

SECTION 4-214: TICKETS

All tickets issued for violations of nonmoving traffic regulations contained in this chapter shall, in addition to information normally stated on such tickets, carry the following information:

- A. The amount of the fine if paid within two days;
- B. The amount of the fine if paid within seven days;
- C. The amount of the fine if paid within 30 days;
- D. The location where payment may be made; and
- E. The fact that a complaint will be filed after 30 days if the fine is not paid within that time.

(Neb. Rev. Stat. §18-1729)

SECTION 4-215: BUREAU OF VIOLATIONS

A Bureau of Violations has been created within the powers and duties of the office of the City Clerk. A copy of each citation issued for nonmoving traffic violations shall be

deposited with the Clerk, whose duty it shall be to collect all fines and to maintain appropriate and accurate records of all such fines paid to him or her. Parking fees shall be set by ordinance of the City Council, kept on file at the office of the City Clerk and available for public inspection during office hours. In addition, all fees not paid within 30 days after issuance shall be forwarded to the city attorney for filing in the appropriate court. A portion taken from each fine collected by the Clerk's office pursuant to this section shall be forwarded to the school district in which the City is located; such amount shall be set by ordinance of the City Council, kept on file at the office of the City Clerk and available for public inspection during office hours.

(Neb. Rev. Stat. §18-1729) (Am. Ord. No. 00-2, 1/26/00)

SECTION 4-216: IMPOUNDING VEHICLES; FEE FOR RELEASE

A. The Mayor is hereby empowered and directed to designate a location which may be contracted for by the City for placement of impounded vehicles where and as may seem appropriate for said purpose and as may be necessary to accommodate the vehicles impounded. The Mayor may change such location designated for the placement of impounded vehicles as may seem appropriate for said purpose and as may be necessary to accommodate the vehicles impounded. The City may enter into a contract with private persons, firms, and corporations for the towing of such impounded vehicles and any other vehicles found to be in violation of city ordinances.

B. Whenever any vehicle is found by a law enforcement officer parked or left standing in the streets, alleys, public ways, or parking facilities or other public places of the City or in violation of any ordinances of the City, the law enforcement officer may remove and convey the vehicle by means of towing it or otherwise or may order said vehicle to be towed to the location contracted for by the City for the placement of impounded vehicles; and thereupon the vehicle shall not be discharged or removed from such location except upon payment by the owner, driver, or operator of such vehicle of towing and storage fees as established by resolution of the City Council or by the contract between the City and such person, firm, or corporation operating such facility for the impoundment of vehicles. When the owner, driver, or operator of the vehicle so impounded claims such vehicle, it shall be the duty of the person in charge to inform the owner, driver, or operator of the nature and circumstances of the violation for which the vehicle was impounded. If such person is found not guilty by the court upon such charges, the City shall refund to such person the fees paid by such person.

C. Nothing in this chapter shall be construed as superseding any other provision of this title concerning the proper parking or operation of vehicles, and the collection of a fee therefor under this chapter shall not prevent or preclude prosecution for violation of any of the provisions of this title concerning the parking or operation of vehicles in the City.

(Ord. No. 93-8, 6/10/93)

Article 3 – Sport and Utility Vehicles

SECTION 4-301: MINIBIKES; UNLAWFUL OPERATION

It is unlawful for any minibike or similar two-, three- or four-wheeled vehicles whose visibility, power and equipment are inadequate for mixing with normal vehicular traffic upon the streets and highways to be operated on any such street or highway. For purposes of this article, "minibike" shall mean a two-wheeled motor vehicle which has a total wheel and tire diameter of less than 14 inches and an engine-rated capacity of less than 45 cubic centimeters displacement or a seat height less than 25 inches from the ground, or any other two-wheeled motor vehicle primarily designed by the manufacturer for off-road use only. (Neb. Rev. Stat. §60-2101.01, 60-2107)

SECTION 4-302: MINIBIKES; TRAFFIC LAWS INAPPLICABLE

The provisions of Chapter 60, Articles 1, 3, 4, 5 and 17 of the Nebraska statutes shall not be applicable to the owners and operators of any minibike.

SECTION 4-303: MINIBIKES; EMERGENCIES AND PARADES

Mini-bikes shall be exempt from the provisions of this article during any public emergency or while being used in parades by regularly organized units of any recognized charitable, social, educational or community service organization. (Neb. Rev. Stat. §60-2102)

SECTION 4-304: SNOWMOBILES; EQUIPMENT

A. Every snowmobile operated within the City shall be registered with the State of Nebraska as required by law. No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one headlamp, one taillamp, reflector material of a minimum area of 16 square inches mounted on each side forward of the handlebars, and with brakes as prescribed by the state director of motor vehicles. Every snowmobile shall be equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile noise and is in constant operation to prevent excessive or unusual noise; the exhaust system shall not emit or produce a sharp popping or crackling sound.

B. All laws applying to the operation of other motor vehicles shall apply to snowmobiles, except those relating to required equipment and those which, by their nature, have no application.

(Neb. Rev. Stat. §§60-6,335, 60-6,339)

SECTION 4-305: SNOWMOBILES; UNLAWFUL OPERATION

It shall be unlawful for any person to allow a snowmobile, either owned or operated by him or her, to be operated:

A. At a rate of speed greater than reasonable or proper under the surrounding circumstances.

B. In a careless, reckless or negligent manner so as to endanger persons or

property.

C. While under the influence of alcoholic liquor or any drug.

D. By a person (1) under the age of 12 years unless accompanied by a parent, guardian, or other person over 18 years of age or (2) over the age of 12 years and under the age of 16 years unless such person (a) holds a valid snowmobile safety certificate, (b) is accompanied by a person 14 years of age or over who holds a valid snowmobile safety certificate, or (c) is accompanied by a person over the age of 18 years. The operator of a snowmobile shall not be required to hold an operator's license.

E. Without the proper equipment as required in Section 4-301.

F. In any tree nursery or planting in a manner which damages or destroys growing stock.

G. Upon the public lands owned by the City, except where allowed by resolution of the City Council.

H. Upon any private lands without first having obtained permission of the owner, lessee or operator of such lands.

I. Within the congested area of the City, unless weather conditions are such that it provides the only practicable method of safe vehicular travel or said snowmobile is engaged in responding to an emergency; provided, the snowmobile shall be operated only in a manner and at a speed that is reasonable or proper under the surrounding circumstances.

(Neb. Rev. Stat. §§60-6,337, 60-6,338, 60-6,340)

SECTION 4-306: SNOWMOBILES; ENFORCEMENT

Any law enforcement officer, including a conservation officer, may enforce the provisions relating to snowmobiles. (Neb. Rev. Stat. §60-6,343)

SECTION 4-307: ALL-TERRAIN AND UTILITY-TYPE VEHICLES

A. For purposes of this section:

1. "All-terrain vehicle" (ATV) means any motorized off-highway vehicle which (1) is 50 inches or less in width, (2) has a dry weight of 1,200 pounds or less, (3) travels on three or more non-highway tires, and (4) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger. (Neb. Rev. Stat. §60-6,355)
2. "Utility-type vehicle" (UTV) means any motorized off-highway vehicle which (1) is 74 inches in width or less, (2) is not more than 180 inches in

length, including the bumper, (3) has a dry weight of 2,000 pounds or less, and (4) travels on four or more non-highway tires. "Utility-type vehicle" does not include all-terrain vehicles, golf car vehicles, or low-speed vehicles. (Neb. Rev. Stat. §60-6,355)

3. "Street" or "highway" means the entire width between the boundary limits of any street, road, avenue, boulevard, or way, which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. (Neb. Rev. Stat. §60-624)

B. ATVs and UTVs may be operated on streets and highways within the corporate limits of the City only if the operator and the vehicle comply with the provisions of this section.

C. ATVs and UTVs must be registered with the City, which will provide proof of registration sticker or tag to the vehicle owner. Said sticker or tag must be prominently displayed on the rear of the vehicle. To obtain a registration sticker or tag from the City, a signed registration form that includes this ordinance's provisions must be completed. Proof of insurance must also be provided and a registration fee paid. The registration fee for ATVs and UTVs will be adopted by ordinance per the master fee schedule. All registrations will expire on December 31 of each calendar year.

D. ATVs, and UTVs may be operated only between the hours of sunrise and sunset, unless equipped with operable snow plow blade and apparatus, and shall not be operated at a speed in excess of the posted speed limit and in no event in excess of 30 miles per hour. ATVs and UTVs as authorized in subsection (B) of this section shall comply with the following requirements when in operation:

1. The headlight and taillight of the vehicle shall be fully operable and visible;
2. The vehicle shall be equipped with an electric strobe/flashing beacon mounted on the top of the vehicle or a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color; and
3. The vehicle shall have a visible, operational brake light system.

E. Any person operating an all-terrain vehicle or utility-transport vehicle, as authorized in subsection (B) of this section shall:

1. Have a valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat. §60-4,126; and
2. Have liability insurance coverage for the all-terrain vehicles and utility-transport vehicles while operating on a street or highway. The person operating the said vehicle shall provide proof of such insurance coverage

to any peace officer requesting such proof within five days of such a request.

F. ATVs and UTVs may be operated without complying with subsections (D) and (E) of this section on streets and highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.

G. An ATV or UTV, shall not be operated on any controlled access highway with more than two marked traffic lanes, and the crossing of any controlled access highway with more than two marked traffic lanes shall not be permitted. For purposes of these regulations, turn lanes are deemed to be auxiliary lanes and not traffic lanes. The crossing of a highway shall be permitted by an all-terrain vehicle without complying with subsections (C) and (D) only if:

1. The crossing is made at an angle of approximately 90° to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;
2. The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or highway;
3. The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;
4. In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and
5. Both the headlight and taillight of the vehicle are on when the crossing is made.

(Neb. Rev. Stat. §60-6,356) (Ord. Nos. 2008-12, 8/26/08; 2019-05, 6/20/2019)

SECTION 4-308: GOLF CAR VEHICLES; DEFINITIONS; REGISTRATION; OPERATION

A. For purposes of this section:

1. "Golf car vehicle" means a vehicle that (1) has at least four wheels, (2) has a maximum level ground speed of less than 20 miles per hour, (3) has a maximum payload capacity of 1,200 pounds, (4) has a maximum gross vehicle weight of 2,500 pounds, (5) has a maximum passenger capacity of not more than four persons, (6) is designed and manufactured for operation on a golf course for sporting and recreational purposes, and (7) is not being operated within the boundaries of a golf course. (Neb. Rev. Stat. §60-622.01)
2. "Road" means a public way for the purposes of vehicular travel, including

the entire area within the right of way. (Neb. Rev. Stat. §60-6,381)

3. "Street" means a public way for the purposes of vehicular travel in the City and includes the entire area within the right of way. (Neb. Rev. Stat. §60-6,381)

B. A golf car vehicle may be operated on streets within the corporate limits of the City only if the operator and the vehicle comply with the provisions set forth in subsections (1) through (7) below.

1. The golf car vehicle must be registered with the City. The City shall provide the vehicle owner a proof of registration sticker or tag which must be prominently displayed on the rear of the vehicle. To obtain a registration sticker or tag from the City, a signed registration form, which includes the provisions set forth in this section, must be completed; proof of insurance must be provided; and a registration fee must be paid. The registration fee shall be adopted by resolution per the master fee schedule of the City. All registrations shall expire on December 31 of each calendar year.
2. Any person operating a golf car vehicle as authorized herein shall have a valid Class O operator's license and the owner of the vehicle shall have liability insurance coverage for it. The person operating the vehicle shall provide proof of such insurance coverage to any law enforcement officer requesting such proof within five days after such a request. The liability insurance coverage shall be subject to limits, exclusive of interest and costs, as follows: \$25,000.00 because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, \$50,000.00 because of bodily injury to or death of two or more persons in any one accident and \$25,000.00 because of injury to or destruction of property of others in any one accident.
3. During the operation of a golf car vehicle, the same shall be equipped with a bicycle safety flag which extends above the golf car vehicle not less than 5 feet above the ground and which is attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.
4. The golf car vehicle shall be operated:
 - a. Only between the hours of sunrise and sunset;
 - b. Only upon streets with a posted speed limit of 35 miles per hour or less; and
 - c. At a maximum speed of 20 miles per hour.
5. A golf car vehicle shall not be parked on any city trail or sidewalk.
6. A golf car vehicle shall not be operated at any time on any state or federal

highway, city trail or sidewalk, or any road with a posted speed limit above 35 miles per hour, but such vehicle may be operated upon a road, trail, sidewalk or highway system in order to cross a portion of the same which intersects a street with a posted speed limit of 35 miles per hour or less.

7. The crossing of a highway shall be permitted by a golf car vehicle only if:
 - a. The crossing is made at an angle of approximately 90° to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
 - b. The golf car vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway;
 - c. The operator yields the right of way to all oncoming traffic that constitutes an immediate potential hazard; and
 - d. In crossing a divided highway, the crossing is made only at an intersection of such highway with a street or road, as applicable.

(Neb. Rev. Stat. §60-6,381) (Ord. No. 2016-24, 12/13/16)

Article 5 – Abandoned Vehicles

SECTION 4-501: DEFINITIONS

A. A motor vehicle is an abandoned vehicle:

1. If left unattended, with no license plates or valid “In Transit” stickers issued pursuant to the Motor Vehicle Registration Act affixed thereto, for more than six hours on any public property;
2. If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
3. If left unattended for more than 48 hours after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;
4. If left unattended for more than seven days on private property if left initially without permission of the owner or after permission of the owner is terminated;
5. If left for more than 30 days in the custody of a law enforcement agency after the agency has sent a letter to the last registered owner under Neb. Rev. Stat. §60-1903.01; or
6. If removed from private property by the City pursuant to a municipal ordinance.

B. An all-terrain vehicle, a utility-type vehicle, or a minibike is an abandoned vehicle:

1. If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
2. If left unattended for more than 48 hours after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;
3. If left unattended for more than seven days on private property if left initially without permission of the owner or after permission of the owner is terminated;
4. If left for more than 30 days in the custody of a law enforcement agency after the agency has sent a letter to the last registered owner under Neb. Rev. Stat. §60-1903.01; or

5. If removed from private property by the City pursuant to a municipal ordinance.

C. A mobile home is an abandoned vehicle if left in place on private property for more than 30 days after the City, pursuant to an ordinance or resolution, has sent a certified letter to each of the last registered owners and posted a notice on the mobile home, stating that the mobile home is subject to sale or auction or vesting of title as set forth in Neb. Rev. Stat. §60-1903.

D. For purposes of this section:

1. "Mobile home" means a movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit, and shall include a manufactured home as defined in Neb. Rev. Stat. §71-4603. "Mobile home" does not include a mobile home or manufactured home for which an affidavit of affixture has been recorded pursuant to Neb. Rev. Stat. §60-169;
2. "Public property" means any public right of way, street, highway, alley, or park or other state, county, or municipally owned property; and
3. "Private property" means any privately owned property which is not included within the definition of public property.

E. No motor vehicle subject to forfeiture under Neb. Rev. Stat. §28-431 shall be an abandoned vehicle under this section.

(Neb. Rev. Stat. §60-1901) (Am. Ord. No. 2009-26, 11/24/09)

SECTION 4-502: ABANDONMENT OF VEHICLE PROHIBITED

No person shall cause any vehicle to be an abandoned vehicle as described in subdivision (A)(1), (2), (3), or (4) or (B)(1), (2), or (3) of Neb. Rev. Stat. §60-1901. (Neb. Rev. Stat. §60-1907)

SECTION 4-503: TITLE; VEST IN CITY; WHEN

If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid "In Transit" stickers issued pursuant to Neb. Rev. Stat. §60-376 affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of \$250.00 or less, title shall immediately vest in the City as provided in Neb. Rev. Stat. §60-1904. Any certificate of title issued under this section to the City shall be issued at no cost. (Neb. Rev. Stat. §60-1902)

SECTION 4-504: CITY; POWERS AND DUTIES

A. Except for vehicles governed by Neb. Rev. Stat. §60-1902, the City shall make an inquiry concerning the last registered owner of such vehicle as follows:

1. Abandoned vehicle with license plates affixed, to the jurisdiction which issued such license plates; or
2. Abandoned vehicle with no license plates affixed, to the Department of Motor Vehicles.

B. The City shall notify the last registered owner, if any, that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either (1) it will be sold or will be offered at public auction after five days from the date such notice was mailed or (2) title will vest in the City 30 days after the date such notice was mailed. If the agency described in (A)(1) or (2) of this section also notifies the City that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.

C. Title to an abandoned vehicle, if unclaimed, shall vest in the City (1) five days after the date the notice is mailed if the vehicle will be sold or offered at public auction under (B)(1) of this section, (2) 30 days after the date the notice is mailed if the City will retain the vehicle, or (3) if the last registered owner cannot be ascertained, when notice of such fact is received.

D. After title to the abandoned vehicle vests pursuant to subsection (C) of this section, the City may retain for use, sell, or auction the abandoned vehicle. If the City has determined that the vehicle should be retained for use, the City shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the City intends to retain the abandoned vehicle for its use and that title will vest in the City 30 days after the publication.
(Neb. Rev. Stat. §60-1903)

SECTION 4-505: CUSTODY; WHO ENTITLED

The City shall be entitled to custody of an abandoned vehicle found within the City.
(Neb. Rev. Stat. §60-1904)

SECTION 4-506: PROCEEDS OF SALE; DISPOSITION

Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the City shall be held by it without interest for the benefit of the owner or lienholders of such vehicle for a period of two years. If not claimed within such two-year period, the proceeds shall be paid into the general fund of the City. (Neb. Rev. Stat. §60-1905)

SECTION 4-507: LIABILITY FOR REMOVAL

Neither the City nor the owner, lessee, nor occupant of the premises from which any abandoned vehicle is removed shall be liable for any loss or damage to such vehicle which occurs during its removal or while in the possession of the City or its contractual agent or as a result of any subsequent disposition. (Neb. Rev. Stat. §60-1906)

SECTION 4-508: DESTROY, DEFACE, OR REMOVE PARTS

No person other than one authorized by the City shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other public place without license plates affixed or which is abandoned. Anyone violating this section shall be guilty of a Class V misdemeanor. (Neb. Rev. Stat. §60-1908)

SECTION 4-509: COSTS OF REMOVAL AND STORAGE

The last registered owner of an abandoned vehicle shall be liable to the City for the costs of removal and storage of such vehicle. (Neb. Rev. Stat. §60-1909)

Article 6 – Penal Provision

SECTION 4-601: VIOLATION; PENALTY

A. Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a minimum of \$25.00 but not more than \$500.00 for each offense. A new offense shall be deemed committed each 24-hour period of such failure to comply.

B. For a first offense, an appearance in court may be waived by agreeing to pay the minimum fine and court costs. For a second offense within a 12-month period, an appearance in court may be waived by agreeing to pay a minimum fine of \$50.00 and court costs. For any third and subsequent offense within a 12-month period, no waiver shall be allowed.

(Am. Ord. No. 2010-08, 4/27/10)